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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

GILES K.J. MANLEY,

Petitioner,

vs.

ELY STATE PRISON WARDEN, *et al.*,

Respondents.

3:11-cv-00354-HDM-WGC

**ORDER**

This is a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 in which petitioner, a state prisoner, is proceeding with representation of counsel. On May 18, 2011, this court received petitioner's *pro se* petition. On June 16, 2011, the court appointed counsel to represent petitioner. (ECF No. 7.) On July 15, 2011, attorney Megan Hoffman filed a notice of appearance as counsel for petitioner. (ECF No. 9.) On August 18, 2011, petitioner paid the required filing fee for this action. (ECF No. 11.)

**IT IS THEREFORE ORDERED** that the clerk shall **ELECTRONICALLY SERVE** the *pro se* petition (ECF No. 8) upon the respondents. Respondents' counsel shall enter a notice of appearance herein within twenty (20) days of entry of this order.

**IT IS FURTHER ORDERED** that counsel for petitioner **SHALL FILE AND SERVE** a first amended petition for writ of habeas corpus within **ninety (90) days** of the entry of this order. The first amended petition shall include all known grounds for relief (both exhausted and unexhausted).

**IT IS FURTHER ORDERED** that respondents shall have **forty-five (45) days** from the date

1 of service of the first amended petition within which to answer, or otherwise respond to, the petition.  
2 In their answer or other response, respondents shall address any claims presented by petitioner in his  
3 petition as well as any claims presented by petitioner in any statement of additional claims. Respondents  
4 shall raise all potential affirmative defenses in the initial responsive pleading, including lack of  
5 exhaustion and procedural default. **Successive motions to dismiss will not be entertained.** If an  
6 answer is filed, respondents shall comply with the requirements of Rule 5 of the Rules Governing  
7 Proceedings in the United States District Courts under 28 U.S.C. §2254. If an answer is filed, petitioner  
8 shall have **forty-five (45) days** from the date of service of the answer to file a reply.

9 Dated, this 19th day of September, 2011.

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12 UNITED STATES DISTRICT JUDGE  
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